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Communication Data and Security, Inc.

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TO: Federal Communications Commission Office of the Secretary	FROM: Arthur Jacknis
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- URGENT
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VOICE: 845-371-1111 FAX: 845-352-6675

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Communication Data and Security, Inc.

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Letter of Appeal - Request for Review

November 10, 2006

Request for Review
CC Docket No. 96-45
CC Docket No. 02-6

Federal Communications Commission
Office of the Secretary
9300 East Hampton Drive
Capitol Heights, MD 20743

Contact Info: Arthur Jacknis
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Funding Year: 1999-2000
Form 471 Application Number: 148011
Funding Request Numbers: 244856, 244865, 244869, 244941, 244954, 244969,
245007, 245019, 246296, 246330

Based on the SLD's denial of our appeal it appears to us that the SLD did not even consider the arguments posed and their response does not address our arguments.

Please see the attached copy of our original appeal to the SLD.

Sincerely,

Arthur Jacknis
Communication Data and Security Inc.

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Letter of Appeal

May 8, 2005

Letter of Appeal
Schools and Libraries Division
Box 125 – Correspondence Unit
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Whippany, NJ 07981

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Phone: 845-371-1111 ext 101
Fax: 845-678-7101
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Applicant Name: United Talmudical Academy
Billed Entity Number: 200788
Applicant Contact Person: Mozes Greenfeld

Funding Year: 1999

<u>Form 471 Number</u>	<u>FRN</u>
148011	244856
148011	244865
148011	244869
148011	244941
148011	244954
148011	244969
148011	245007
148011	245019
148011	246296
148011	246330

Decision Being Appealed: Notification of Improperly Disbursed Funds for the FRN(s) listed above. Although each FRN had an individual Notification of Improperly Disbursed Funds Letter each of the Disbursed Funds Recovery Explanation were the same. This appeal is for all of the FRNS(s) listed. Copies of the Disbursed Funds Recovery Explanation for each FRN are attached. The Disbursed Funds Recovery Explanation for all of the FRN(s) listed above indicated that our company "billed and received payment for recurring monthly maintenance services that were not provided" it further indicates "auditors concluded that maintenance for

Funding Year 1999 should have been prorated to be commensurate with the time period the systems were installed and became operational."

This conclusion is factually inaccurate and does not take into consideration the type of service being provided, the actual cost and value of the services provided and the billing structure required to provide these services.

The conclusion is factually inaccurate because on the Form 471 the FRNs in question were entered as a one-time charge not as a monthly charge. This was done because the services provided do not represent items or services that are provided and used on a monthly basis but rather repairs to hardware, wiring and basic operating software that become required on an as needed basis. The potential cost to our company to provide these services can only be estimated and the costs are potentially unlimited.

In order to make this type of maintenance affordable we have to have a minimum guaranteed income spread across a large number of clients. This type of maintenance cannot be simply prorated because doing so can create a situation where we do not receive the minimum needed to cover our costs across the entire client base.

Based on the income from the entire amount of the one time charge, even one repair (which could happen even the day the equipment is installed) to any of the main circuit boards, central processing unit, wiring or if there were extensive changes required to the basic operating software would absorb most if not all of the income.

If, as suggested by the auditor, the one time cost were prorated into monthly charges it would come out to be approximately .0042% of the cost of the FRN per month. At this rate we would be losing money on any maintenance provided.

For this reason we needed to make the maintenance a one time charge to protect us against the possibility of having to provide maintenance based on income that was equal to only a few percent or less of the value of the FRN.

As of the time of the billing we felt that based on the period of time the maintenance was provided and based on the low one time charge as compared to the exposure, we were justified in billing for the entire one time charge.

As per the explanation given above we respectfully request that the position that funds were improperly disbursed to our company be dropped and no demand for recovery be pursued.

In the event you do not find our arguments compelling and you maintain your position, even though we do not agree, we request that we be given a copy of the calculations that were made by the auditor and be given the right to check the accuracy and challenge the calculations based on the conclusion that simple prorating was required.

Submitted By,

Arthur Jacknis
President
Communication Data and Security Inc.
Telephone: 845-371-1111 Extension 101